

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiffs Lynn Rowell, d/b/a Beaumont Greenery, Montgomery Chandler, Inc., Paula Cook, Townsley Designs, LLC, and Shonda Townsley (collectively, “Plaintiffs”) file this unopposed motion for an extension of time to file their FED. R. CIV. P. 54(d)(2)/Local Rule CV-7(j) fee and expense motion, and respectfully state the following:

BACKGROUND

On August 16, 2018, the Court issued its Order on Cross-Motions for Summary Judgment in favor of Plaintiffs (ECF No. 95). In its corresponding Permanent Injunction and Final Judgment (ECF No. 96), the Court stated that “[a]ny claim for attorney's fees incurred in this action will be determined post judgment and pursuant to Rule CV-7(j) of the Local Rules of the United States District Court for the Western District of Texas.”

Pursuant to Local Rule CV-7(j), “a claim for fees shall be made by motion not later than 14 days after entry of judgment pursuant to Federal Rule of Civil Procedure 54(d)(2).” Thus, the due date of Plaintiffs’ fee and expense motion is August 30, 2018.

PLAINTIFFS’ UNOPPOSED REQUEST FOR EXTENSION OF TIME

Due to Plaintiffs’ counsel’s court schedules, briefing commitments in other matters, and travel schedules (including travel outside of the country), Plaintiffs respectfully request an extension of time until October 15, 2018 to file their fee and expense motion. The FED. R. Civ. P. 54(d)(2)/Local Rule CV-7(j) 14-day deadline is not jurisdictional; it may be modified by court order. FED. R. Civ. P. 54(d)(2)(B); *see also* FED. R. Civ. P. 6(b)(2) (motion for attorneys’ fees is not included in the list of motions with deadlines that cannot be extended).

This motion is not filed for purposes of delay, but so that Plaintiffs’ counsel may have sufficient time to prepare their fee and expense submission, conduct the required meet and confer with Defendant’s counsel, and otherwise comply with Local Rule CV-7(j). Defendant does not oppose this motion.

WHEREFORE, Plaintiffs respectfully request the Court to (i) extend the deadline to file their FED. R. Civ. P. 54(d)(2)/Local Rule CV-7(j) fee and expense motion up to and including October 15, 2018, and (ii) grant them such other and further relief to which they are justly entitled.

Date: August 28, 2018

Respectfully submitted,

/s/ Richard L. Coffman

Richard L. Coffman

THE COFFMAN LAW FIRM

First City Building

505 Orleans, Fifth Floor

Beaumont, TX 77701

(409) 833-7700

(866) 835-5250 (fax)

rcoffman@coffmanlawfirm.com

Deepak Gupta

GUPTA WESSLER, PLLC

1900 L Street, NW, Suite 312

Washington, DC 20036

(202) 888-1741

(202) 888-7792 (fax)

deepak@guptawessler.com

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I hereby certify that the Parties' counsel conferred about this motion, via email, and Defendant's counsel confirmed via an August 27 email, that Defendant does not oppose this motion.

/s/ Richard L. Coffman

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2018, I served Plaintiffs' Unopposed Motion for Extension of Time on all counsel of record via the Court's CM/ECF system.

/s/ Richard L. Coffman

Counsel for Plaintiffs